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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,493	03/26/2004	Michael D. McKinley	2003.09.009.NS0	8138

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EXAMINER

NGUYEN, KHAI N

ART UNIT	PAPER NUMBER
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2614

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03/26/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	Application No. 10/810,493	Applicant(s) MCKINLEY ET AL.	
	Examiner KHAI N. NGUYEN	Art Unit 2614	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 19 February 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: _____.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
 13. ☐ Other: _____.

/Ahmad F. MATAR/
 Supervisory Patent Examiner, Art Unit 2614

Continuation of 11.

Applicant's request for reconsideration filed on February 19, 2007 has been fully considered but it is not persuasive.

Regarding claim 1, Applicant refers to the following part of the Lindeberg reference to argue that Lindeberg does not teach or suggest the limitation of "two different signaling protocols":

"Information flows between network functions residing in the different service control and service switching points are implemented in the IN application layer protocol (NAP). The INAP protocol uses transport capabilities application part (TCAP) on top of the connectionless SCCP (signaling connection control part). The application layer messages are specified in abstract syntax notation one (ASN. 1). The SSPs 241 and 245 are connected to the SCP 231 by INAP links 281 and 282, respectively". (Col. 7, line 2-9) (emphasis added) (See page 10 of Applicant's Remarks section).

The Examiner respectfully disagrees with Applicant's argument because Lindeberg clearly discloses the two different signaling protocols (See the last sentence of the above part of the Lindeberg reference recited by the Applicant - there are two INAP links 281 and 282 in that last sentence. Each of the INAP link can be used to support a signaling protocol such as Signaling System 7 (SS7) or Session Initiation Protocol (SIP) (See Lindeberg - Fig. 1, 281 INAP connected to 242 Service Switching Functionality (SSF), 243 Call Control Function (CCF), and 244 Call Control Access Function (CCAF), and 282 INAP connected to 248 SSF, 247 CCF, 248 CCAF, column 6 lines 45-52, and two different signaling protocols SS7 or any other suitable underlying protocol such as TCP/IP, column 7 lines 41-44). Therefore, the limitation of "different signaling protocols" in claim 1 is anticipated by Lindeberg.

Applicant also argues that neither Lindeberg nor Hebert teaches or suggests the limitation of "a plurality of classes defining objects representing the signaling control primitives." (See page 11 of Applicant's Remarks section).

The Examiner respectfully disagrees with Applicant's argument because Hebert clearly discloses a plurality of classes defining object primitives representing the signaling control primitives (See Hebert - Fig. 4, Figs. 7D-7G Primitives Functions and Tables, column 7 lines 55-62, for reference to a plurality of classes defining object primitives, see column 8 lines 61-67 through column 9 lines 1-8, for reference to configure the Network Signaling Protocol Layer 3 in accordance with the API of Hebert's invention, Therefore, the limitation of "a plurality of classes defining objects representing the signaling control primitives" in claim 1 is anticipated by Hebert.

Independent claims 8 and 16 recite limitations that are analogous to the limitations in claim 1. And for the reasons set forth above, claims 1, 8, 16 and their dependent claims 2-3, 5-7, 9-10, 12-15, and 17-20 are being unpatentable over Lindeberg in view of Hebert. Therefore, the rejection is proper and maintainable.